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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,310	12/12/2001	Lionel Mestre	CA9 2000 0064 US1	5550
26849	7590	11/03/2004		
INTERNATIONAL BUSINESS MACHINES CORPORATION INTELLECTUAL PROPERTY LAW, DEPT. QPZA/ 210 8501 IBM DRIVE CHARLOTTE, NC 28262				
EXAMINER RAMPURIA, SATISH				
ART UNIT		PAPER NUMBER		
2124				

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/015,310

Applicant(s)

MESTRE ET AL.

Examiner

Satish S. Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***DETAILED ACTION***

1. This action is in response to the application filed on 12/12/2001.
2. Claims 1-33 are pending.

***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copies have been received on 04/03/2002.

***Specification***

4. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code e.g., page 6, lines 1-3. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.
5. The use of the trademark "Java" has been noted in this application e.g., page 5, lines 15, 17 and 18. It should be appropriate or proper term (see MPEP 608.01(v)) used, wherever it appears and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Appropriate correction is required

***Claim objections***

6. Claims 5, 19 and 31 are objected to because of the following informalities:

The use of the trademark "Java" has been noted in claims 5 and 19 on page 17, line 16 and page 18, line 29 respectively. It should be appropriate or proper term (see MPEP 608.01(v)) used, wherever it appears and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112, second paragraph***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 5, 19 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Clarification and/or correction are required.

Claims 5, 19 and 31 contain the trademark/trade name "Java". Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product.

A trademark or trade name is used to identify a source of goods, and not the goods themselves.

Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name.

The rejection of the base claim is necessarily incorporated into the dependent claims.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-4, 6-8, 11-18, 20-22, and 32-33 rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,595,932 to Baisley et al. (hereinafter called Baisley).

**Per claims 1, 3, and 14:**

Baisley disclose:

- A computer-implemented method of generating serialization code for representing a model in a plurality of type systems ('569 col. 1, lines 52-53 "automatically converts a model existing in the UML to a MOF model"), the method comprising the steps of:
  - i) producing an input file from said model for a given set of objects (col. 7, lines 65-66 "FIG. 3 illustrates the fact that a flat file 25 form of the model may be converted");

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- ii) providing a code generator for acting on said input file to generate said serialization code (col. 1, lines 56-57 “transformation from a UML model to a MOF model”).

**Per claim 2:**

Baisley disclose:

- wherein said model is exported from a UML description (col. 8, lines 10-11 “selecting the package to be exported to MOF from the UML Server”).

**Per claim 4:**

Baisley disclose:

- wherein said model is exported as an XMI file (col. 7, line 51 “receiving data in the XMI format”).

**Per claim 6:**

Baisley disclose:

- wherein said input file is an XML file (col. 7, lines 42-43 “a MOF DTD, which is “XML Metadata Interchange”).

**Per claim 7:**

Although, Baisley teach provide the converting the UML model to MOF model. Baisley is silent on XML is produced from XMI by XSL transform. However, this feature deemed to be inherent to the Baisley system, Baisley system shows converting UML model to MOD model (Abstract)

where XMI is the standard syntax to allow exchange of UML model meta data using XML in which XSL is used to transform XML data. Baisley system would be inoperative if the transformed format is not compatible with client device.

**Per claim 8:**

Baisley disclose:

- wherein said input file comprises binding information between said model and said plurality of type systems (col. 8, line 60 “process for exporting a class... MOF class object is created... process... export each operations”. Also, figs. 6 (A and B), 7, and 8 and related discussion).

**Per claim 11:**

Baisley disclose:

- wherein said input file comprises the type conversion information that describes how to convert a non-primitive type to a string (col. 3, lines 59-63 “For each primitive type, a MOF DataType is defined as an alias for a built-in type capable of representing the full range of values expected for the extent of the data type”).

**Per claim 12:**

Baisley disclose:

- wherein two code generators are provided for acting on said input file to generate said serialization code (col. 7, lines 59-60 “UML model... exist in three different forms” and

(col. 7, lines 65-67 “the model 26 in the computer system memory may be converted into any one of the three forms of the MOF model”).

**Per claim 13:**

Baisley disclose:

- wherein said two code generators are a binding generator and a DO generator (col. 8, lines 1-5 “the CASE tool UML model... converted into any one of the three forms of the MOF model”).

*Claims 15-18, 20-22, and 25-28* are the system claim corresponding to method claims 1-4, 6-8, and 11-14 respectively, and rejected under the same rational set forth in connection with the rejection of claims 1-4, 6-8, and 11-14 respectively, above.

*Claims 29-30, and 32* are the computer program product claim corresponding to method claim 1 and rejected under the same rational set forth in connection with the rejection of claim 1 above.

Substantially as claimed.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a



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whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 5, 9, 19, 10, 23, 24 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baisley in view of US Patent No. 6,199,195 to Goodwin et al. (hereinafter called Goodwin).

**Per claim 5:**

Baisley does not explicitly disclose wherein said plurality of type systems comprises Java and SQL.

However, Goodwin discloses in an analogous computer system wherein said plurality of type systems comprises Java and SQL (col. 2, lines 30-35 “multi-database system represents... support for a full object-oriented (Java) paradigm... including support for ANSI standard Structured Query Language (SQL)”).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of support the Java and SQL systems in generating objects as taught by Goodwin into the method of converting model from one to another language as taught by Baisley. The modification would be obvious because of one of ordinary skill in the art would be motivated to use the system comprises Java and SQL to provide the development of applications that are portable across operating systems and databases as suggested by Goodwin (col. 2, lines 45-56).

**Per claims 9 and 10:**

Baisley does not explicitly disclose wherein said input file comprises graphs that describe relationships between said objects of said model.

However, Goodwin discloses in an analogous computer system input file comprises graphs that describe relationships between said objects of said model (col. 9, lines 48-51 “a Unified Modeling Language (UML) graph as an argument... unified modeling language graph is then traversed, parsed and used to generate source code objects”).

The feature of input file comprises graphs would be obvious for the reasons set forth in the rejection of claim 5.

**Claims 19, 23, and 24** are the system claims corresponding to method claims 5, 9, and 10 respectively, and rejected under the same rationale set forth in connection with the rejection of claim 5, 9, and 10 respectively, above.

**Claim 31** is the computer program product claim corresponding to method claim 5 and rejected under the same rationale set forth in connection with the rejection of claim 5 above.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is **571-272-3732**.

The examiner can normally be reached on **9:00 am to 6:30 pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kakali Chaki** can be reached on **571-272-3719**. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria  
Patent Examiner  
Art Unit 2124  
11/01/2004

  
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